

## **REMARKS**

The following remarks are full and completely responsive to the Office Action dated August 11, 2005. Claims 1-17 are pending in this application with claims 1 and 10 currently amended. In the outstanding Office Action, claims 1, 3, 10 and 12 were rejected under 35 U.S.C. § 102(b) and claim 17 was rejected under 35 U.S.C. § 103(a). Claims 2, 4-9, 11 and 13-16 were indicated as containing allowable subject matter but were objected to as being dependent upon a rejected base claim. No new matter has been added. Claims 1-17 are presented for reconsideration.

### **35 U.S.C § 102(b) and 103(a)**

Claims 1, 3, 10 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Whipple (U.S. Patent No. 5,077,733). In making this rejection, the Office Action asserts that this reference teaches each and every element of the claimed invention. Applicants disagree and request reconsideration of this rejection.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Whipple in view of Takita, et al. (U.S. Patent No. 5,684,505 "Takita"). In making this rejection, the Office Action asserts that the combination of these two references teaches and/or suggests each element of the claimed invention. The Office Action also asserts that it would be obvious to one of ordinary skill in the art to combine these two references. Applicants disagree and respectfully request reconsideration of this rejection.

Claim 1, as amended, recites in part:

...an arbiter circuit coupled to said bus, said first circuit, and said second circuit to receive requests for a right to use said bus from said first circuit and said second circuit and to arbitrate the requests between said first circuit and said second circuit, ...

Claim 10, as amended, recites in part:

...sending to an arbiter circuit a request to grant a right to use a shared bus;

arbitrating at the arbiter circuit if a plurality of requests for the right to use the shared bus are made;...

Consequently, the claimed invention includes an arbiter that receives requests for right to use the bus from a first circuit and second circuit to arbitrate the request. The second circuit releases the right to use the bus in response to detection of a predetermined number of counting operations performed by the counter circuit after acquiring the right to use the bus from the arbiter circuit. Thus, the second circuit requests the right to use the bus from the arbiter, acquires the right to use the bus from the arbiter, and releases the right to use the bus after a predetermined number of accesses to the bus.

In contrast, Whipple teaches a plurality of nodes arranged in a circular configuration. One of the nodes is selected as an anchor node. The anchor node has the highest priority in terms of bus access. When the anchor node accesses the bus a predetermined number of times and the count of a counter reaches a predetermined number, the highest priority is given to another node that is the next node of the circle. This node then serves as the new anchor node.

Therefore, in Whipple, it is the highest priority that is successfully handled over to the next node in the circle after a predetermined number of accesses are performed.

In the claimed invention, it is the right to use the bus that is released after a predetermined number of accesses. In Whipple, it is the highest priority that is released after a predetermined number of accesses. The right to use the bus is different from the highest priority. The right to use the bus is requested to the arbiter and is granted by

the arbiter after arbitration. The highest priority, as taught by Whipple, is not requested to the arbiter, and is not granted by the arbiter after arbitration. Further, even if the anchor node has the highest priority, another node is still able to acquire the right to use the bus. Thus, clearly illustrating the difference between the right to use the bus and the highest priority.

Takita is not cited for nor does Takita correct this deficiency in Whipple.

Consequently, Whipple either alone or in combination with Takita, fails to teach and/or suggest the claimed invention. Regarding claim 1 and claims 2-9 that depend either directly or indirectly therefrom, the cited prior art fails to teach and/or suggest at least an arbiter circuit coupled to said bus, said first circuit, and second circuit and to receive requests for a right to use said bus from said first circuit and said second circuit to arbitrate the requests between said first circuit and said second circuit, wherein said second circuit releases the right to use said bus in response to detection of a predetermined number of counting operations performed by said counter circuit after acquiring the right to use said bus from said arbiter circuit. Regarding claim 10 and claims 11-17 which depend either directly or indirectly therefrom, the cited prior art fails to teach and/or suggest sending to an arbiter circuit a request to grant a right to use a shared bus and arbitrating at the arbiter circuit if a plurality of requests for the right to use the shared bus are made. Therefore, applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3, 10, and 12 under 35 U.S.C. § 102(b) and of the rejection of claim 17 under 35 U.S.C. § 103(a).

### **Allowable Subject Matter**

Claims 2, 4-9, 11 and 13-16 were objected to as being dependent upon a rejected base claim, but would be allowable rewritten in independent form including all the limitations of the base claim and the intervening claims. As discussed above, independent claims 1 and 10 are allowable. Therefore, applicants respectfully request reconsideration and withdrawal of the objection to claims 2, 4-9, 11 and 13-16, which depend from one of claims 1 and 10.

### **Conclusion**

Applicants' amendments and remarks have overcome the rejections and objections set forth in the Office Action dated August 11, 2005. Specifically, applicants' remarks have distinguished claims 1, 3, 10 and 12 from Whipple and thus overcome the rejection of these claims under 35 U.S.C. § 102(b). Applicants' remarks have also distinguished claim 17 from the combination of Whipple and Takita and thus overcome the rejection of this claim under 35 U.S.C. §103(a). Applicants' remarks regarding claims 1 and 10 have also overcome to the objection of claims, 2, 4-9, 11 and 13-16. Accordingly, claims 1-17 are in condition for allowance. Therefore, applicants respectfully request consideration and allowance of claims 1-17.

Applicants submit that the application is now in condition for allowance. If the Examiner believes that the application is not in condition for allowance, applicants respectfully request that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expect prosecution of the application.

In the event that paper is not considered to be timely filed, applicants respectfully petition for an appropriate extension of time.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to our deposit account number 01-2300, making reference to attorney docket number 100353-00180.

Respectfully submitted,



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